

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JULIAN BODNARI,	§
	§ No. 160, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 9909027880
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 4, 2005

Decided: January 18, 2006

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices

**ORDER**

This 18<sup>th</sup> day of January 2006, upon consideration of the briefs of the parties and the record below, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated February 28, 2005. In addition, we find no merit to the appellant's claim that he was prejudiced by not receiving the State's answer to his postconviction motion and the affidavit of his trial counsel prior to the issuance of the Superior Court's decision. Even assuming that the appellant did not receive copies of those documents prior to the issuance of the Superior Court's decision, our review of the record in this case does not indicate that that error resulted in any prejudice to the appellant.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice